

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER,

Plaintiff,

v.

G. WIGEN, *et al.*,

Defendants.

Case No. C05-5662FDB

REPORT AND
RECOMMENDATION

**NOTED:
MAY 26, 2006**

This Civil Rights action been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A), 636(b)(1)(B), and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. The court is advised by plaintiff that he no longer wishes to pursue this action. Plaintiff states that the conduct on which he based his Complaint has ceased and is not likely to reoccur, and that he has suffered no compensable injury.¹

DISCUSSION

Rule 41(a)(1) of the Federal Rules of Civil Procedure provides, in pertinent part:

[A]n action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs

¹Plaintiff also asks the court to issue a "general statement regarding the rights of detainees to send their matters to the Courts and to the Parties of litigation." However, the court cannot give legal advice.

CONCLUSION

The court should dismiss this action as plaintiff has stated that defendants have changed their behavior and that he has no injury of which to complain. No answer or motion for summary judgment has been filed by defendants. A proposed order accompanies this Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report and Recommendation to file written objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **May 26, 2006**, as noted in the caption.

DATED this 5th day of May, 2006.



Karen L. Strombom
United States Magistrate Judge